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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,643	10/18/2001	Scott E. Taylor	2070.005500/P6771	8153

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EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,643

Applicant(s)

TAYLOR, SCOTT E.

Examiner

Benjamin A. Ailes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/15/05, 3/31/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 28 September 2005.
2. Claims 1-24 remain pending.
3. This action has been assigned to a new Examiner. Please see the conclusion section below for updated Examiner information.

Response to Arguments

4. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney et al. (US 5,842,214), hereinafter referred to as Whitney, in view of Sugauchi et al. (US 6,041,349), hereinafter referred to as Sugauchi, and further in view of Wang et al. (US 6,757,242 B1), hereinafter referred to as Wang.

7. Regarding claim 1, Whitney teaches a storage unit configured to store a domain list such as a distribution system having a first storage media portion which store and manage files (col. 2, lines 13-16). The distribution system includes workstation 101, network server 103, storage devices 104, and domain controllers 106 and also provides load balancing of domain controller resources. The domain controller includes a

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directory service server 204 which is responsible for mediating access to DS entries 202 (col. 4, lines 42-55). On column 5, lines 1-8, the distributed file system manager 208 provides functionality for facilitating distributed name resolution and also provides management for a prefix table and management for knowledge about the file system. Regarding to claimed control unit for adapted to determine an active path from the one or more available paths, Whitney teaches distribution file system which performs the distributed name resolution as shown in figure 6, wherein retrieve storage location routine performs the mapping of the logical path name of an object to a physical address for the object in the distributed system, (see col. 7, lines 40-59). However, Whitney does not clearly disclose the path list that comprises one or more paths available for communications and the control unit adapted to determine an active path from the one or more available paths and to transmit data to the domain over the active path. Sugauchi teaches management configuration of a network including block composed of client/server defined as domain (col. 3, lines 53-66). Furthermore, Sugauchi discloses a flow chart showing the outline of the process of collecting relating information when the operated object is a server (col. 5, lines 43-68), and further discloses the corresponding table for storing management node relating the designated managed object and stores the designated object domain configuration information, as in figure 7 and col. 6, lines 1-51. Also, for the case of the client, the connections of the display symbol to the servers in the connection state at present are displayed (col. 7, lines 45-64). With regard to claimed transmitting data over the active path, Sugauchi teaches communication control unit 309 for controlling the communication process for

collecting management information, and transmits request information by each management function (col. 4, line 54 – col. 5, lines 1-20). With regard to explicitly “changing an active path”, Wang discloses in column 3, lines 10-21 a method for detecting available network connections (active links) and changing to one of the available network connections when it is deemed necessary. Wang discloses as an example situation wherein if a link connection fails, then a new active link is determined. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to utilize the teachings of Sugauchi and Wang for the recited features into the system of Whitney because, Sugauchi will provide visual configuration of client/server by displaying “active path” for communication, see col. 12, lines 31-44, and Wang provides reasoning for and a method to determining and selecting an “active path” as disclosed in column 3, lines 10-21.

8. Regarding claim 2, as mentioned above, Whitney does not explicitly disclose the step of choosing the “active path” however this feature of choosing an “active path” is taught by Wang (col. 3, lines 10-21). It is through this method taught by Wang that the new “active path” is the path to be used for network communication (send and receive data) and therefore this feature teaches the step of enabling the “control unit” to be able to receive data from the domain. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 2.

9. Regarding claim 3, Whitney does not explicitly disclose the step of choosing the “active path” however this feature of choosing an active path is taught by Wang (col. 3, lines 10-21). Wang discloses steps taken in case of the need arises to change the

"active path". The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 3.

10. Claim 4 contains similar subject matter and is rejected under the same rationale as claim 1. See specifically the explanation of the features taught by Wang.

11. Regarding claim 5, Wang discloses changing the "active path" in response to an indication received from across the network (an indication of a link failure). It would have been obvious to one of ordinary skill in the art that the indication received could be from another domain due to the fact that other domains are quite often communicated over a network. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 5.

12. Regarding claim 6, Wang discloses in col. 3, lines 17-21 the use of a routing table to keep track of paths. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 6.

13. Regarding claim 7, Wang discloses in col. 3, lines 17-21 the use of a routing table to keep track of paths. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 7.

14. Regarding claim 8, Wang discloses in col. 3, lines 17-21 the use of a routing table to keep track of paths. Wang keeps track of paths and distances in order to find optimum paths. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 7.

15. Regarding claim 9, as mentioned above, Whitney does not explicitly disclose the step of choosing the "active path" however this feature of choosing an "active path" is

taught by Wang (col. 3, lines 10-21). It is through this method taught by Wang that the new "active path" is the path to be used for network communication (send and receive data) and therefore this feature teaches the step of enabling the "control unit" to be able to receive data from the domain. The rationale used to combine the teachings of Whitney, Sugauchi, and Wang as utilized in claim 1 applies equally as well to claim 9.

16. Claims 10-24 contain similar subject matter and are rejected under the same rationale as claims 1-9.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Wang et al. (US 2005/0201272 A1) discloses a system and multi-thread method to manage a fault tolerant computer switching cluster using a spanning tree.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER